

Legislation Text

File #: 20-507, **Version:** 1

Presenter/Contact

*Owner/Applicant: Lennar Homes of Texas - Richard Mott, P.E., Agent
(210) 403-6200 - richard.mott@lennar.com*

SUBJECT:

WVR20-126 Consideration of a waiver to Section 118-49 of the Subdivision Platting Ordinance to not require sidewalk construction along State Highway 123 for the Navarro Subdivision, Unit 1A.

Plat Information:**Owner/****Applicant:**

Lennar Homes of Texas Land and Construction LTD
Richard Mott, P.E.
1922 Dry Creek Way, Suite 101
San Antonio, TX 78259
(210) 403-6200
richard.mott@lennar.com

Engineer:

KFW Engineers & Surveying
Nicole Alatorre
3421 Paesanos Parkway, Suite 200
San Antonio, TX 78231
(201) 979-8444
nalatorre@kfwengineers.com

Staff Contact: Matthew Simmont
(830) 221-4058
msimmont@nbtexas.org

Description: 16 residential lots, common area and drainage lots on 28.86 acres

The subject property is located outside the city limits and on the eastern edge of the City's ETJ. A 324 acre master plan for the Navarro development was approved in July 2019 for a project that includes 1,448 single-family residential lots, 2 commercial lots and 81 acres of park/open/drainage areas. The proposed primary entrance of the Navarro development will be located approximately 700 feet north of the intersection of State Highway 123 and Harborth Road. The boundary of the 324 acre master plan is also the boundary of the Lone Oak Farm MUD authorized by the City in May 2019.

Transportation:**Regional Transportation Plan:**

State Highway 123 is classified as a Major Arterial roadway within the Seguin ETJ and is under the control of TxDOT. No additional right of way dedication is proposed along State Highway 123.

Sidewalks:

Six-foot wide sidewalks are required to be constructed by the developer along State Highway 123. **The applicant is requesting a waiver to not construct sidewalk along State Highway 123.**

It is evident that pedestrian activity will increase along State Highway 123 with the progress of development along this transportation corridor that is substantially aided by the extension of wastewater services to the area. Safe pedestrian routes is a priority for the community as stated in Envision New Braunfels, the Comprehensive Plan.

Waiver criteria are provided below in Commission Findings. The applicant states that there are no existing sidewalks along State Highway 123 within the vicinity of this development. In addition, the developer contends that the drainage features along the roadway are not conducive to sidewalk improvements and an increase to the floodplain could put other properties at risk, should the sidewalk be constructed.

In considering this waiver request, the Planning Commission has three options:

1. To deny the waiver request and require sidewalk construction when the property is platted;
2. To require that the developer escrow the estimated amount of a 6-foot wide sidewalk for construction by TxDOT at a later date; or
3. To recommend approval of the waiver.

All sidewalk waiver requests recommended for approval, or approval with conditions, by the Planning Commission will be forwarded to City Council for final consideration.

Commission Findings:

The adopted Subdivision Platting ordinance indicates the Planning Commission shall not approve/recommend approval of a waiver unless it makes findings based upon the evidence presented to it in each specific case that:

1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity.
2. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 6.4: Consider how each new development project impacts the transportation system and ensure appropriate mitigation is implemented. Action 7.3: Prioritize connecting sidewalk gaps through development requirements or public investment. Action 7.5: Continue development of sidewalks and trails to increase interconnectivity by 5 percent each year to support reduction of carbon footprint. Action 7.19: Improve connectivity for all modes of transportation including bicycles.
--	--

FISCAL IMPACT:

Sidewalks not constructed or escrowed with development will have to be constructed later at taxpayer expense.

STAFF RECOMMENDATION:

Staff recommends the applicant escrow the cost of construction of the required sidewalk along State Highway 123. Funds designated for sidewalk installation with future improvements to this roadway will offset these costs to the taxpayer.

Attachments:

1. Aerial Map
2. Waiver Request
3. Photograph
4. Final Plat Exhibit